

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

UNITED STATES OF AMERICA)	CRIMINAL NO.: 7:23-cr-00456-TMC
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-versus-)	<u>ELEMENTS AND PENALTIES</u>
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DESTINY SHANNON MERCADO)	
DAQUASIA CATHERINE MERCADO)	
RUBEN ENRIQUE CHAVEZ-MUNIZ)	

Count 1 – Conspiracy, 18 U.S.C. § 371

Elements

1. That two or more people agreed to do something which federal law prohibits, in this case, to engage in the business of dealing in firearms without a license, in violation of 18 U.S.C. § 922(a)(1)(A), or to make false statements with regard to the acquisition of firearms from licensed firearm dealers, in violation of 18 U.S.C. § 922(a)(6), the elements of which are set forth below;
2. That the defendant knew of the conspiracy and willfully joined it; and,
3. That at some time during the existence of the conspiracy, one of the members of the conspiracy knowingly performed, in the District of South Carolina, one of the overt acts charged in the indictment in order to accomplish the object or purpose of the conspiracy.

Penalties

Imprisonment: up to 5 years
Fine: up to \$250,000
Supervised Release: up to 3 years
Special Assessment: \$100

Count 2 – Unlawful Dealing in Firearms, 18 U.S.C. §§ 922(a)(1)(A), 923(a), and 924(a)(1)(D)

Elements

1. The defendant was not licensed to deal firearms; and
2. The defendant willfully engaged in the business of dealing firearms.

Penalties

Imprisonment: up to 5 years
Fine: up to \$250,000
Supervised Release: up to 3 years
Special Assessment: \$100

Counts 3-40 – Straw Purchasing, 18 U.S.C. §§ 922(a)(6), and 924(a)(2)

Elements

1. The defendant knowingly made a false oral or written statement, or furnished or exhibited any false, fictitious or misrepresented identification, to a federally licensed firearms dealer;
2. The false statement or misrepresented identification was made in connection with the acquisition or attempted acquisition of a firearm; and
3. The statement was intended or likely to deceive such firearms dealer with respect to a fact material to the lawfulness of the sale of the firearm to the defendant.

Penalties

Imprisonment: up to 10 years
Fine: up to \$250,000
Supervised Release: up to 3 years
Special Assessment: \$100
(per count)

Respectfully submitted,

ADAIR F. BOROUGHS
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